REMARKS

Claims 1-58 are pending in the action, with claims 1, 8, 15, 20, 24, 28, 33 and 53-58 being independent. Claims 24-27 and 53-55 are canceled, without prejudice or disclaimer of the subject matter recited in these claims. Claims 1, 3-5, 7-8, 9-14, 20, 24, 33, 37-38, 40, 42, 50 and 53-56 are amended. Support for these amendments can be found, for example, in Figs. 5-6, and at page 24, lines 3-13 and page 38, lines 15-19 of the specification. No new matter has been added.

Claims 1-14, 20-27, 33-44 and 53-58 are rejected under 35 U.S.C. §102(e) as being anticipated by US Pub. No. 2003/01212791 to **Pickup**.

Claims 15-19, 28-32 and 50-52 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of USP No. 7,219,148 to **Rounthwaite**.

Claims 45-49 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of US Pub. No. 2004/0034694 to **Brown**.

Claims 1-7 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over USP No. 7,249,175 to **Donaldson** in view of **Rounthwaite.**

Applicant respectfully traverses these rejections. Reconsideration and allowance of the above-referenced application are respectfully requested in light of the following comments and remarks.

Section 102(e) Rejections

Claims 1-14, 20-27, 33-44 and 53-58 are rejected under 35 U.S.C. §102(e) as being anticipated by **Pickup**. Applicant respectfully traverses the rejection for at least the reasons set forth below.

Claim 1, as amended, recites in part distributing a white list among a plurality of spam filters in the messaging system.

In the statement of rejection, the Examiner reads Pickup's recipients as the claimed spam filters. *See*, page 3, lines 6-11 of Office Action. Applicant respectfully submits that Pickup does not distribute a whitelist to Pickup's recipients. Rather, as described in ¶ [0016], each recipient

generates its own individual list of authorized senders (i.e., Pickup's local whitelist; *see also*, ¶ [0061]), or alternatively, the recipients share a same centralized list (i.e., Pickup's system-wide whitelist; *see also*, ¶ [0061]) of authorized senders. Neither the individual list nor the centralized list is distributed among the recipients.

For at least the foregoing reasons, Applicant respectfully submits that Pickup does not anticipate claim 1, as amended. Claims 2-7 depend from claim 1, and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 1.

Claim 8

Claim 8, as amended, recites in part determining, using a locally stored list of confirmed senders, if the sender is included in a list of confirmed senders associated with any other spam filter in the network.

Applicants respectfully submit that Pickup's recipient generates its own individual list of authorized senders. Pickup, however, does not teach or suggest using the individual list to check whether a sender is included in a list of confirmed senders associated with any other spam filter in the network. This is further supported by the fact that Pickup's recipients do not communicate with other recipients, as the centralized list already provides the means by which to ensure that the identity of the senders across the recipients has been confirmed, thus eliminating any need to check whether a particular sender is included in other recipients' lists of confirmed senders.

For at least these reasons, Applicant respectfully submits that Pickup does not anticipate claim 8. Claims 9-14 depend from claim 8 and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 8.

Claim 20

Claim 20, as amended, recites in part verifying with the data center by the spam filter that a sender of the message is a confirmed message sender.

In the statement of rejection, the Examiner reads Pickup's recipient's mail as the claimed data center. *See*, page 9, lines 4-5 of Office Action. Applicant respectfully submits that Pickup's recipients do not verify a sender of a message with Pickup's mail server. Pickup's mail server handles all incoming message to ensure that senders of these message are authorized senders

prior to forwarding the messages to the recipients. *See*, ¶ [0059]. There is no need for Pickup's recipients to verify the senders with the mail server, as the senders have already been given authorization by the time the messages are delivered to the recipients' mailbox.

For at least these reasons, Applicant respectfully submits that Pickup does not anticipate claim 20, as amended. Claims 21-23 depend from claim 20 and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 20.

Claim 33

Claim 33, as amended, recites in part distributing information indicating that the message sender can receive one or more messages among a plurality of spam filters in the messaging system.

However, for reasons similar to those discussed in claim 1, Pickup does not distribute any information among the recipients indicating that a message sender can receive one or more messages. For at least these reasons, Applicant respectfully submits that Pickup does not anticipate claim 33, as amended. Claims 34-44 depend from claim 33 and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 33.

Claim 56

Claim 56 recites in part receiving a request from one of the spam filters in the messaging system to verify if a sender of a message is a confirmed sender.

However, as discussed above with respect to claim 55, Pickup does not teach or suggest these features. For at least these reasons, Applicant respectfully submits that Pickup also does not anticipate claim 56, as amended.

Section 103(a) Rejections

Claims 15-19, 28-32 and 50-52 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **Rounthwaite**. Applicant respectfully traverses these rejections for at least the reasons set forth below.

Claim 15 recites in part determining a trend based on the information collected relating to a sender from a plurality of the spam filters.

In the statement of rejection, the Examiner acknowledges that Pickup does not teach or suggest these features, but relies upon Rounthwaite's selection limitations provided at col. 6, lines 62-66 to cure these deficiencies. *See*, item 48, page 20 of Office Action.

Rounthwaite provides a machine learning system for classifying incoming messages as spam message. *See*, Fig. 1B. Rounthwaite first receives a series of incoming messages, and identifies the recipients of these messages (5:64-66). Rounthwaite then selects a subset of the recipients with their respective messages being considered for polling (5:66-6:7). Polled messages are forwarded to the recipients with voting instructions for voting whether a specific message is a spam (7:19-32). To determine whether to select a message for polling, Rounthwaite employs the recipients' demographic information, and other attributes and properties (6:56-60). To prevent a spammer from classifying spam messages as standard messages to skew the overall accuracies of the learning system, Rounthwaite places restrictions on message selection (e.g., placing limitations on the number of messages that may be polled for a given recipient, or on the probability of selecting a message from any given recipient) (6:62-67).

The Examiner asserts that Rounthwaite determines a trend based on these limitations, and identifies a spammer based on such a trend. Applicant respectfully disagrees with this conclusion. As a preliminary matter, claim 15 recites collecting information relating to a sender. Applicant respectfully submits that the relied upon information of Rounthwaite are attributes and properties of a recipient, not a sender. Further, Rounthwaite's information are criteria used for selecting messages for polling purposes. Applicant respectfully submits that these criteria provide a guidance as to how a message is to be selected for polling purposes, per recipient or per time period. Rounthwaite does not identify a spammer based on these criteria. Rather, Rounthwaite identifies a spammer based on votes and feedbacks collected from the recipients (8:3-10).

For at least these reasons, Applicant respectfully submits that neither Pickup nor Rounthwaite, alone or in combination, render claim 15 obvious. Claims 16-19 depend from claim 15 and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 15.

Claim 28

Claim 28 recites in part determining a trend in the collected information and identifying the sender as a spammer based on the trend.

However, as discussed above with respect to claim 15, neither Pickup nor does not teach or suggest these features. For at least these reasons, Applicant respectfully submits that neither Pickup nor Rounthwaite, alone or in combination, render claim 28 obvious. Claims 29-32 depend from claim 28 and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 28.

Also, as claims 50-52 depend from claim 33, Applicant respectfully submits that claims 50-52 are allowable for at least the same reasons discussed above with respect to claim 33.

Section 103(a) Rejections

Claims 45-49 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **Brown**. As claims 45-49 depend from claim 39, which further depends from claim 33, Applicant respectfully submits that claims 45-49 are allowable for at least the same reasons discussed above with respect to claim 33.

Section 103(a) Rejections

Claims 1-7 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Donaldson** in view of **Rounthwaite**.

Claim 1 recites in part forwarding a received message to a recipient without separately confirming the sender if it is determined that the sender has been previously confirmed.

The Examiner alleges that Donaldson teaches these features at col. 41, lines 28-34. *See*, page 27, lines 13-19 of Office Action. This section reads:

> At step 1637 , the proxy checks if this recipient is the first authorized recipient for this message. If so, the proxy connects to the MTA as shown in step 1640 , sends the HELO message received earlier from the remote host, and sends the MAIL From transaction received earlier in step 1413 (FIG. 24). If any error occurs (not shown), the proxy closes the data connection 1403 from the remote host, logs the status, and exits.

As a preliminary matter, the Examiner has not explained what in the section allegedly corresponds to the claimed features. *Cf.* **M.P.E.P. § 707** ("When a reference is complex or shows

or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.").

Nevertheless, Applicant respectfully submits that Donaldson does not teach or suggest (and more particularly is silent on) forwarding a message without separately confirming a sender if the sender has previously been confirmed. Should the Examiner maintain this rejection, Applicant respectfully requests that the Examiner further elaborate on the relevancy of this section and how this section allegedly provides the claimed features, or alternatively, how Rounthwaite cures these deficiencies.

For at least these reasons, Applicant respectfully submits that neither Donaldson nor Rounthwaite, alone or in combination, render claim 1 obvious.

Conclusion

Applicant respectfully requests that all pending claims be allowed.

By responding in the foregoing remarks only to particular positions taken by the Examiner, Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

For all of the reasons set forth above, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 06-1050 and please credit any excess fees to such deposit account.

Respectfully submitted,

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